# Exhibit A Declaration of John Mejia

## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH CENTRAL DIVISION

NAVAJO NATION HUMAN RIGHTS COMMISSION; PEGGY PHILLIPS; MARK MARYBOY; WILFRED JONES; TERRY WHITEHAT; BETTY BILLIE FARLEY; WILLIE SKOW; and MABEL SKOW,

Case No. 2:16-cy-00154 JNP

Plaintiffs,

ν.

SAN JUAN COUNTY; JOHN DAVID NIELSON, in his official capacity as San Juan County Clerk; and PHIL LYMAN, BRUCE ADAMS, and REBECCA BENALLY, in their official capacities as San Juan County Commissioners,

DECLARATION OF JOHN
MEJIA IN SUPPORT OF
PLAINTIFFS' REPLY IN
SUPPORT OF THEIR MOTION
FOR PRELIMINARY
INJUNCTION

#### Defendants.

I, JOHN MEJIA, pursuant to 28 U.S.C. § 1746, hereby declare under penalty of perjury that the following is true and correct:

- 1. I am an attorney at American Civil Liberties Union of Utah, co-counsel for the Plaintiffs Navajo Nation Human Rights Commission, Peggy Phillips, Mark Maryboy, Wilfred Jones, Terry Whitehat, Betty Billie Farley, Willie Skow, and Mabel Skow ("Plaintiffs") in this matter. I submit this Declaration in support of the Plaintiffs' Motion for Preliminary Injunction (the "Motion"). I have personal knowledge of the matters described herein.
- 2. A true and correct copy of the U.S. Department of Justice 1983 consent decree is attached hereto as **Exhibit 1**.
- 3. On October 13, 2011, the U.S. Department of Commerce issued a notice, as required by Section 203 of the Voting Rights Act of 1965, regarding the U.S. Census Bureau

Director's determinations as to which "political subdivisions are subject to the minority language

assistance provisions of the Act. As of October 13, 2011, those jurisdictions that are listed as

covered by Section 203 have a legal obligation to provide the minority language assistance

prescribed by the Act." At page 63607 of the Federal Register notice, "San Juan County" and

"American Indian (Navajo)" are listed as a jurisdiction and minority group, respectively, that are

subject to the Voting Rights Act's minority language assistance requirements. A true and correct

copy of the Federal Register notice is attached hereto as **Exhibit 2**.

On or around August 17, 2016, Defendants served their responses to Plaintiffs'

First Set of Interrogatories and First Set of Requests for Production of Documents. A true and

correct copy of Defendants' written responses is attached hereto as **Exhibit 3**.

5. A true and correct copy of the 2010 and 2014 Election Ballots results from San

Juan County, Utah is attached hereto as Exhibit 4.

6. A true and correct copy of emails produced by Defendants, as part of their

production in response to Plaintiffs' First Set of Requests for Production of Documents, is

attached hereto as Exhibit 5.

Dated: September 19, 2016

/s/ John Mejia

John Mejia

(Original Signed Copy Available on Request)

2

Exhibit 1

AUG 2 1 1990

IN THE UNITED STATES DISTRICT COURT

U.S. DISTRICT COURT FOR THE DISTRICT OF UTAH, CENTRAL DIVISION RECEIVED

UNITED STATES OF AMERICA, MW)

AUG' 2 4 1990

Plaintiff,

OFFICE OF CHIEF JUDGE BRUCE S. JENKINS

vs.

CIVIL ACTION NO. C-83-1287

SAN JUAN COUNTY, UTAH, ET. AL., Defendants.

## FIRST AMENDED SETTLEMENT AND ORDER

For the Plaintiff: UNITED STATES OF AMERICA For the Defendants: SAN JUAN COUNTY, UTAH ET. AL.

JOHN R. DUNNE
Assistant Attorney General
J. GERALD HEBERT
POLI A. MARMOLEJOS
RICHARD B. JEROME
Attorneys, Voting Section
Civil Rights Division
Department of Justice
Post Office Box 66128
Washington, D.C. 20035-6128

CRAIG C. HALLS San Juan County Attorney Post Office Box 850 Monticello, Utah 84535

## NAVAJO LANGUAGE ELECTION INFORMATION PROGRAM

I.	INTR	ODUCTION	1
II.	THE	REMEDIAL PROGRAM	2
	Α.	County Bilingual Voting Coordinator	2
	В.	Chapter Election Liaisons	5
	D.	Translations	5
	E.	Dissemination of Election-Related Information	7
	F.	<u>Voter Registration</u>	10
	G.	Absentee Voting	12
	н.	Election Day Procedures	13
	I.	Purge Process	15
	J.	Records	17
III.	COI	NSTRUCTION AND IMPLEMENTATION	18
iv.	RETI	ENTION OF JURISDICTION	19
v.	CONCI	LUSION	20

## I. INTRODUCTION

This action was initiated by the United States pursuant to Section 203 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973aa-la, by a complaint filed on November 22, 1983. On January 11, 1984, an Agreed Settlement and Order was entered permanently enjoining San Juan County, Utah, its officers and employees from non-compliance with the minority language requirements of the Act. The Agreed Settlement and Order also required the county to establish a remedial bilingual election program to provide Indian citizens with an equal opportunity to participate in the electoral process in San Juan County, Utah.

After a review of the current efforts of San Juan County to comply with the Agreed Settlement and Order and with the minority language provisions of the Act, the parties have conferred and agreed to the entry of this First Amended Settlement and Order, which provides for additional measures to ensure that the election process in San Juan County is fully and effectively accessible to Indian citizens.

This Court has jurisdiction over the parties and the subject matter of this action and the required three-judge court has been convened. This Amended Settlement and Order is final and binding between the parties and their officers, employees and successors, as to all the facts, claims and issues raised in or underlying the plaintiff's complaint.

ACCORDINGLY, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that San Juan County, Utah, shall adopt the provisions contained herein.

## II. THE REMEDIAL PROGRAM

## A. County Bilingual Voting Coordinator

- San Juan County shall employ one full-time bilingual voting coordinator for a period of twelve months, from February 1 of each general election year to February 1 of the succeeding year, who will coordinate the Navajo Language Election Information Program in the county. The primary responsibility of the bilingual voting coordinator shall be, at all times, the full implementation of the provisions of this bilingual election program; however, where time permits, the bilingual voting coordinator may be assigned other responsibilities under the supervision of the county clerk. Performance of such other responsibilities shall not interfere with the bilingual voting coordinator's duties to implement this bilingual election The county shall also employ a bilingual voting coordinator from a period four months before each county-wide special election, through the month of such special election. The bilingual voting coordinator shall be bilingual in Navajo and English. The salary for the bilingual voting coordinator shall be comparable to other county positions with similar expertise and experience required to perform the task.
- 2. The county bilingual voting coordinator shall be hired by the county after consultation with Utah Navajo chapter

officials of San Juan County. The chapter presidents or managers, or Navajo chapter liaisons of each Navajo chapter located in whole or in part in San Juan County (Aneth, Red Mesa, Oljato, Mexican Water, and Navajo Mountain) shall submit recommendations to the county for the position of county bilingual voting coordinator, which recommendations shall be duly considered.

- 3. San Juan County shall develop a job description for the bilingual voting coordinator, in consultation with the Navajo Elections Administration (NEA) and Utah chapter officials, and the United States.
- 4. The bilingual voting coordinator shall be trained by the county in all aspects of the election process and shall attend election seminars conducted by San Juan County and, where possible, training provided by the Lieutenant Governor for the State of Utah. The bilingual voting coordinator shall be fully briefed by the county clerk concerning his or her duties and responsibilities under the original consent decree, this modification and the minority language requirements of the Voting Rights Act. Representatives of the NEA and the United States shall be notified of the time and place of such job orientation and shall be welcome to assist in this briefing.
- 5. The bilingual voting coordinator shall, under the supervision of the county clerk, oversee the county's Navajo Language Election Information Program generally and visit on a regular basis, but not less than two times prior to each

election, each Navajo chapter located in whole or in part in the county. The bilingual voting coordinator shall visit other areas of Navajo concentration in the county, such as Halchita,

Montezuma Creek and Blanding. Voter education programs conducted during such visits shall include instruction, as appropriate, on at least the following topics: voter registration; absentee voting procedures; voter purge; political office requirements; and general voting procedures.

- 6. The bilingual voting coordinator, or other county officials, shall maintain a record of the date and purpose of each visit for election-related purposes to each Navajo chapter house, or other sites on the Navajo Indian Reservation or areas of Navajo population concentration. After each general election, the bilingual voting coordinator shall prepare a report detailing his or her election-related activities in implementing the provisions of the Navajo Language Election Information Program.
- 7. The bilingual voting coordinator shall conduct, under the supervision of the county clerk, the training of all registration agents, poll officials and other election-related personnel who will participate in the Navajo Language Election Information Program. Each Navajo chapter manager whose chapter is in whole or in part within San Juan County shall be notified, at least two weeks before the scheduled training, of each training session and be invited to send a representative. Training sessions shall be open to the public and shall be held at locations convenient to trainees.

- 8. The county bilingual voting coordinator shall coordinate the delivery of Navajo language election information in special elections to school districts and other governmental entities that are conducting elections in the next election process. The county shall be authorized to seek cost contribution from those governmental entites provided language assistance by the language coordinator.
- 9. San Juan County shall establish a travel budget, in accordance with county travel policy, for the bilingual voting coordinator for transportation and costs incurred in carrying out his or her duties, obligations and responsibilities to effectively implement this Navajo Language Election Information Program.

## B. <u>Chapter Election Liaisons</u>

- 1. San Juan County shall request each Navajo chapter president to identify and/or appoint one individual in each Navajo chapter to serve as a chapter election liaison between the county and the Navajo chapter.
- 2. Chapter election liaisons shall be provided training with other election officials including all aspects of the elections process, absentee voting, the voter registration and purge processes, candidate qualifications, election-related deadlines, election day activities, proposed constitutional amendments and other ballot propositions.
- 3. Telephone inquiries from the bilingual voting coordinator, chapter election liaisons, registration agents, and

other tribal officials involving current election activities shall be considered official government business and telephone charges may either be reversed or accepted by the county clerk's office. Where such telephone calls are made directly, the county will provide reimbursement for the costs of such calls.

## D. <u>Translations</u>

- 1. At a minimum, the following election-related materials and announcements, if made available in English by the county and/or the State of Utah, shall be translated into the Navajo language and made available on audio tapes: state and county election notices, constitutional amendments and other referenda issues on the ballot, dates for elections, qualifications for political offices, registration deadlines, instructions relating to voting by absentee ballot, announcements respecting the voter purge, and explanations of voting procedures. The county may substitute and/or supplement video tapes for audio tapes covering the subjects above.
- 2. The county, through the bilingual voting coordinator and chapter election liaisons, shall engage in reasonable efforts to ensure that each tape is played at least at one tribal meeting of each Navajo chapter during the appropriate publicity period, and that either the bilingual voting coordinator, chapter election liaison, or other trained bilingual person is present to answer any questions concerning the subject matter of the tape. If appropriate playing equipment is not available on the site

visited, the county shall provide such equipment to the bilingual voting coordinator for this purpose.

- 3. Indian language audio or video tapes described in this Agreement shall be available generally to individuals and organizations at Navajo chapter houses. Separate recordings shall be provided for each election-related subject matter so as to avoid tapes of unnecessary length. A library of currently applicable tapes, together with English transcripts, where appropriate, shall be maintained at each Navajo chapter house.
- 4. Translations shall be made by the bilingual voting coordinator, by a chapter election liaison, or by a qualified person contracted with for that purpose. The county will use its best efforts to insure accurate translations and where necessary shall enlist additional expertise to assist with technical or complicated election-related materials.
- 5. The county shall invite the participation of representatives of UDIA, Navajo chapter officials of San Juan County, and other interested parties in the translation of election materials. To assist in the uniformity and accuracy of any translation, the county shall make available such translations to Navajo chapter officials and other interested parties, with an opportunity to review and comment concerning any matter translated.
- 6. When translations are available for review more than twenty (20) working days prior to dissemination, comments on the translation of material shall be returned to the county ten (10)

working days prior to the first date of publication or dissemination of the information on the radio so that the county may have an opportunity to correct or remediate any deficiency. Any comments or recommendations made after that date will be considered, but might not be included in the translation.

7. The county clerk, the bilingual voting coordinator, and the chapter election liaisons shall review election materials and recommend appropriate posters to accompany written notices respecting election matters, which the county shall develop to the extent practicable.

## E. <u>Dissemination of Election-Related Information</u>

- 1. The county shall coordinate publicity efforts with Navajo chapter officials. All election-related announcements, materials and information, including, but not limited to, the election calendar, state and county election proclamations, the voter information pamphlet and sample ballots, shall be made available to each Navajo chapter house and to any other entity requesting such information.
- 2. Election-related announcements, materials, tapes and other election information shall be provided upon request to the public high schools in the county to familiarize students with all phases of the election process.
- 3. Radio: Radio announcements in the Navajo language shall be made on KNDN (Farmington), KTNN (Window Rock); KUTA (Blanding); KRTZ (Cortez) or other substitute stations or

programs that broadcast in Navajo or to an Indian audience regarding:

- a. Deadlines for state voter registration, and identification of registration agents and regularly available voter registration sites in each chapter house or other convenient locations in majority Navajo precincts. These announcements shall be made twice each day for the three weeks preceding the deadlines for both state and federal election registration for each primary, general and special election.
- b. The procedures and deadlines for becoming a candidate. These announcements shall be made once each day for the week preceding the opening of the candidate qualification period and twice each day during the two weeks preceding the close of the candidate filing period.
- c. Dates of special, primary and general elections, a list of the offices to be elected, and the availability of trained translators at the polls and the right of each voter who requires assistance in casting a ballot to be assisted by a person of her or his choice in accordance with federal law. Announcements shall be made twice a week during at least the three weeks prior to each of the foregoing elections.
- d. An explanation of the ballot in the Navajo language, identifying each office to be filled and each candidate with the candidate's political affiliation. The tape shall also identify briefly the nature and significance of each referendum, proposed constitutional amendment, or ballot proposition to be decided.

Announcements shall be made twice a week for at least the three weeks prior to each primary, special or general election.

- 4. Print Media: Election announcements detailed in paragraph E.3 shall be published on a weekly basis in the Navajo Times and the San Juan Record for the same number of weeks in which the audio media is being disseminated by the radio stations.
- 5. Monitoring: The state and county shall monitor the effectiveness of its publicity programs on an ongoing basis through consultation with the chapter election liaisons, Navajo chapter officials and other interested citizens, to identify groups of persons who are not being reached and subject matters pertaining to elections which are not being effectively covered. Recommendations shall be considered and remedial action taken by the county as reasonably deemed appropriate and necessary.

## F. <u>Voter Registration</u>

- 1. The county shall supply registration forms to all registration agents in majority Navajo precincts, to the bilingual voting coordinator, chapter election liaisons, Navajo chapters and to the UNDC.
- 2. Registration agents in majority Navajo precincts shall be available to assist voters in completing registration forms prior to the deadline for voter registration.
- 3. Training for registration agents for majority Navajo election precincts shall be conducted by the county clerk and/or the bilingual voting coordinator in both English and Navajo. In

addition to training as to registration standards, regulations and forms, registration agents shall be trained fully regarding the voter purge and absentee voting processes, standards and regulations. Navajo language audio and/or video tapes shall be used in the training process, and copies of such materials shall be maintained as provided generally in this Agreement.

- 4. The names of all registration agents available at each Navajo chapter shall be prominently posted at chapter houses and other public locations of the corresponding precinct on the reservation.
- 5. The bilingual voting coordinator shall conduct, and/or assist the Navajo chapters in conducting, special voter registration drives at the Navajo chapters and in other areas of Navajo population concentration in the county. The appropriate Navajo chapter manager, as well as the chapter election liaisons, shall be notified of the time and place for each registration drive at least two weeks prior to the scheduled registration, and the county shall undertake such other publicity as may be appropriate.
- 6. The county shall provide chapter election liaisons and registration agents in majority Navajo precincts with current voter registration lists, by precinct, and shall encourage each chapter election liaison and registration agent to establish regular hours for registration at set locations on the reservation. The time(s) and location(s) established by the chapter election liaisons and registration agents for voter

registration shall be publicized by the county at chapter meetings.

- 7. Following the review of the 1990 Census and in conjunction with a redistricting of county commission districts, the county shall prepare a detailed election precinct map, which shall be provided to chapter election liaisons, registration agents in majority Navajo precincts and Navajo chapter managers. Prior to the 1990 primary elections, the county shall prepare and disseminate to the Navajo chapters and registration agents a detailed map showing the boundaries of the following election precincts: 1, 2, 3, 12, 13, 14, 16.
- 8. The county shall seek to coordinate state voter registration with Navajo tribal voter registration through, <u>interalia</u>, the use of tribal registrars in assisting voters to register for county elections.

## G. Absentee Voting

- 1. The county shall supply applications for absentee ballots to all registration agents in majority Navajo precincts, to the bilingual voting coordinator, chapter election liaisons, Navajo chapter managers, as well as to the UNDC and the College of Eastern Utah.
- 2. The bilingual voting coordinator shall be authorized to deliver absentee ballots to voters whose absentee ballot applications have been accepted by the county clerk, and to accept completed absentee ballots from eligible voters for delivery to the county clerk.

- 3. The bilingual voting coordinator shall attend the last tribal meeting prior to each primary, general, or special election to explain the classes of persons who are eligible to cast absentee ballots. Eligible voters may obtain absentee ballots applications at that time and voters whose absentee ballot applications have been accepted by the county clerk may cast their absentee ballots in person with the bilingual voting coordinator for delivery to the county clerk.
- 4. Consistent with the practice of San Juan County, voters who anticipate being absent from their election precinct on election day shall be eligible to vote by absentee ballot.
- 5. Announcements shall be made in the Navajo language regarding the availability of absentee balloting, including the standards of eligibility for absentee ballots and for voting absentee, during any tribal meeting prior to the deadline for voting by absentee and where such meetings fall in the absentee voting period. The availability of absentee balloting also shall be made known by posting such information prominently at each Navajo chapter house and at other public sites on the reservation; by radio announcements and by publishing in the Navajo Times and San Juan Record throughout the absentee voting period.

## H. <u>Election Day Procedures</u>

1. The county will have trained interpreters and poll officials bilingual in Navajo and English present at the polls on election day for each precinct in which five percent or more of

the total population is Indian. The county shall consult with the chapter election liaisons, or other appropriate chapter officials to identify bilingual individuals qualified to work at the polls. Alternate translators shall also be designated.

- 2. Poll officials and interpreters shall be trained at locations in the county convenient to the trainees, in English and Navajo, concerning election day procedures at the polling places, the contents and issues appearing on the ballot, and voter purge procedures. Training in translation of the ballot in Navajo may include the use of audio and/or video tapes, and such tapes shall be maintained in accordance with the terms of this Agreement. Interpreters and poll officials shall be instructed in their training that assistance in translating ballot information shall be given in the voting booth, when the voter so requests.
- 3. Poll officials shall advise each voter who requires assistance in casting a ballot that the voter may choose any person to provide that assistance inside the voting booth, with the exceptions provided in Section 208 of the Voting Rights Act, 42 U.S.C. 1973aa-6.
- 4. Poll officials or other designated county officials shall maintain a record of all persons who are not allowed to vote. The official shall seek to obtain each such voter's name, address, tribal census number, the reason the person thought she or he was eligible to vote and the reason for not permitting the person to vote.

- 5. A list of the persons not permitted to vote shall be provided to the bilingual voting coordinator and chapter election liaisons, and the county shall provide an opportunity to such persons on the list to register to vote, if qualified, at the earliest possible time.
- 6. The state and county shall cooperate with the NEA so that the polling places used for tribal and state elections are in the same building or in close proximity.

## I. <u>Purge Process</u>

- 1. On or before February 15 after each general election, the county clerk shall prepare a list, by precinct, of all persons identified for purging from the voting list for failure to vote, and such lists for the respective Indian precincts shall be provided to the bilingual voting coordinator, registration agents, chapter election liaisons and other tribal officials on the reservation. The county shall urge such persons to contact individuals on said lists to notify them of the fact of the purge and the procedures for re-registering.
- 2. Updated lists, as necessary, of persons who have failed to re-register shall be provided to each chapter election liaison. The bilingual voting coordinator shall monitor these lists and direct special publicity in precincts where a significant number of persons identified for purging remain on the list.
- 3. The county shall inform voters of the purge, reidentification and re-registration process through radio

announcements in Navajo during the purge period over KTNN, KNDN, KUTA and KRTZ, and/or other available radio stations which broadcast in an Indian language or to an Indian audience; through notices in the Navajo Times and San Juan Record; by Navajo language announcements at tribal meetings during the purge period; and by posting such information prominently at each Navajo chapter house and at other public places in majority Navajo precincts.

- 4. Navajo language audio tapes concerning the purge process shall be made available in the tape libraries in each chapter house. These shall include a description of the purge process, an explanation as to why individuals are listed on the purge printout, the meaning of the mailed purge notices, and explanations as to how to avoid being purged and how to reregister if the purge already has occurred. Navajo language tapes containing this information shall be played during the purge period at separate tribal meetings of each Navajo chapter situated in whole or in part in San Juan County, and the bilingual voting coordinator or county official shall be present, at a minimum, at the first meeting when the tapes are played in order to answer any questions. Thereafter, the chapter election liaison or other trained bilingual personnel may be present when the tapes are played in order to answer any questions.
- 5. Prior to the close of registration following the purge process, the bilingual voting coordinator, with assistance from the chapter election liaisons or other appropriate tribal

officials, shall ascertain which voters on the list still maintain a residence as shown on their affidavit of registration, and upon making such determination, shall take all reasonable efforts to provide such persons an opportunity to re-register to vote.

6. At the close of the purge period, the county shall review the printout of purged voters with the chapter election liaisons and other tribal officers for each majority Navajo precinct and, to the extent that there is a high percentage of Indian voters purged as compared to non-Indian voters, the county shall consult with tribal officials and chapter election liaisons to ascertain what further action, if any, to take to correct such situation.

#### J. Records

1. In addition to copies of tapes and other materials or records mentioned in this Agreement, the defendants shall maintain statistical records including but not limited to:

## a. <u>Voter Registration</u>

- -- Voter registration for each precinct on a quarterly basis.
- --Number of voters, by precinct, who are registered at voter registration drives conducted pursuant to this Agreement.

## b. <u>Voter Purge</u>

- --Total number of voters purged, by precinct, for failure to vote.
- --Total number of voters re-registered by the bilingual voting coordinator.
- --Total number of voters, by precinct, reinstated by returning pre-paid post cards or re-registered by other means during the purge period.

c. Absentee Voting

--Total number of mail requests for absentee ballots and number of absentee votes cast per precinct pursuant to mail requests.

--Total number of absentee ballots cast, per precinct,

in person at the county courthouse.

--Total number of absentee ballots delivered to voters by the bilingual voting coordinator and accepted from voters for delivery to the county clerk.

## d. Publicity

- --County will provide or keep a copy of the affidavit given by the newspaper or radio station with their indication of the times that an election announcement was played or published.
- --County will keep the time, place and occasion of each instance in which each election-related audio tape was played by bilingual election coordinator.

These data shall be maintained on a current basis at the county clerk's office and all records shall be available for public inspection upon request.

2. By April 1 following each general election, the county shall compile a report of the efforts taken pursuant to this Agreement during the preceding (12) months. The report shall include the status of Navajo voter participation as shown by statistics in each area addressed in this Agreement and a recommendation of the steps to be taken, if any, to improve Navajo voter participation. Copies of the report shall be provided to the United States. This report shall be of public record and available on request.

## III. CONSTRUCTION AND IMPLEMENTATION

1. It is the goal of San Juan County to ensure that the entire election process is fully and effectively accessible to Indian citizens, and the procedures set forth above are designed to achieve that goal. In the event that the procedures set forth

in this Agreement fall short of the goal of full and effective access, the county agrees to take such additional steps as may be necessary to improve the effectiveness of this program.

2. If the county seeks to eliminate or modify discrete aspects of this Agreement, the county shall notify the United States and chapter election liaisons in writing of any such proposal, 30 days prior to undertaking such changes. If the United States objects to the proposed change(s), the parties shall meet in a good faith effort to resolve their differences concerning the proposed modification. The county may modify aspects of the Navajo Language Election Information Program that, based on experience, prove to be ineffective, after the parties have conferred in good faith to resolve their differences with respect to such aspects of the program. Any modifications made to the Navajo Language Election Information Program pursuant to this section shall be filed with the Court.

## IV. RETENTION OF JURISDICTION

- 1. This Court shall retain jurisdiction to enter such further relief or other orders as may be necessary to effectuate the terms of this Agreement.
- 2. The United States agrees for a period of four (4) years not to seek any further additional relief with respect to the Navajo Election Information Program prescribed herein for San Juan County, Utah. It is contemplated by the parties that this four year period will be used by defendants to implement fully the bilingual election program set out in the original consent

decree and this amendment and to make adjustments to that program as necessary in accordance with the provisions for modification. At the end of such four year period, the county shall provide the United States with a final report summarizing the steps taken to fully implement this Agreement over the preceding four years. The United States will have one hundred eighty (180) days from the end of such four year period in which to move the Court for such additional relief as may be necessary to remedy any failure to fully implement this Agreement. Absent such a motion by the United States, this decree will then be terminated and the case will be dismissed without prejudice. Additionally, after such initial four year period, dismissal may be obtained upon motion of the county defendants which, if the county defendants have fully and faithfully implemented all provisions of the Native American Election Information Program during the period set forth herein, will be unopposed. Such dismissal shall be without prejudice and the Court's jurisdiction as to the county defendants shall be terminated at that date.

If the provisions of Section 203 of the Voting Rights Act, 42 U.S.C. 1973aa-1, expire by reason of congressional inaction or repeal or the Director of the Census determines that, based upon 1990 Census information, San Juan County is no longer subject to the minority language requirements of Section 203 for the Navajo speaking American Indians of San Juan County, the county defendants may move the Court for modification of this Agreement.

3. All provisions of the original Agreed Settlement and Order not inconsistent herewith are hereby approved and ratified by this three-judge court.

#### V. CONCLUSION

This Agreement represents the commitment of all of the parties to provide equal voting rights to all citizens of San Juan County, Utah. While the procedures contained herein are intended to comprise full relief in this case, the parties recognize that regular and ongoing reassessment of the above outlined Navajo language election program by the responsible officials will be necessary in order to insure that Indian voters are able to and continue to be able to enjoy equal access to all phases of the political process.

This // day of Oren, 1990.

Copies mailed to counsel 10/12/90: mw John R. Dunne, Esq./Richard B. Jerome, Esq. Craig C. Halls, Esq.

UNITED STATES DISTRICT JUDGE

TED STATES DESTRICT JUDGE

Approved as to form and content:

For the Plaintiff: UNITED STATES OF AMERICA

JOHN R. DUNNE

Assistant Attorney General

J. GERALD HEBERT

POLI A. MARMOLEJOS RICHARD B. JEROME

Attorneys, Voting Section

Civil Rights Division Department of Justice

Post Office Box 66128

Washington, D.C. 20035-6128

(202) 514-6343

For the Defendants: SAN JUAN COUNTY, ET. AL.

CRAIG C. HALLS

San Juan County Attorney

Post Office Box 850

Monticello, Utah 84535

(801) 587-2128

Exhibit 2

Federal Register/Vol. 76, No. 198/Thursday, October 13, 2011/Notices

#### **DEPARTMENT OF COMMERCE**

#### **Bureau of the Census**

[Docket Number 110921596-1557-01]

Voting Rights Act Amendments of 2006, Determinations Under Section

**AGENCY:** Bureau of the Census, Department of Commerce. **ACTION:** Notice of determination.

effective on October 13, 2011.

SUMMARY: As required by Section 203 of the Voting Rights Act of 1965, as amended, this notice publishes the Bureau of the Census (Census Bureau) Director's determinations as to which political subdivisions are subject to the minority language assistance provisions of the Act. As of this date, those jurisdictions that are listed as covered by Section 203 have a legal obligation to provide the minority language assistance prescribed by the Act. **DATES:** Effective Date: This notice is

FOR FURTHER INFORMATION CONTACT: For information regarding this notice, please contact Ms. Catherine M. McCully, Chief, Census Redistricting Data Office, Bureau of the Census, United States Department of Commerce, Room DIR 8H019, 4600 Silver Hill Rd, Washington DC 20233, by telephone at 301-763-4039, or visit the Redistricting Data Office Internet site at http:// www.census.gov/rdo/.

For information regarding the applicable provisions of the Act, please contact T. Christian Herren, Jr., Chief, Voting Section, Civil Rights Division, United States Department of Justice, Room 7254-NWB, 950 Pennsylvania Avenue, NW., Washington, DC 20530, by telephone at (800) 253-3931 or visit the Voting Section Internet site at http://www.justice.gov/crt/about/vot/.

SUPPLEMENTARY INFORMATION: In July 2006, Congress amended the Voting Rights Act of 1965, Title 42, United States Code (U.S.C.), 1973 et seq. (See Pub. L. 109-246, 120 Stat. 577 (2006)). Among other changes, the sunset date for minority language assistance provisions set forth in Section 203 of the Act was extended to August 5, 2032.

Section 203 mandates that a state or political subdivision must provide language assistance to voters if more than five (5) percent of voting age citizens are members of a singlelanguage minority group and do not "speak or understand English adequately enough to participate in the electoral process" and if the rate of those citizens who have not completed the fifth grade is higher than the national rate of voting age citizens who have not completed the fifth grade. When a state is covered for a particular language minority group, an exception is made for any political subdivision in which less than five (5) percent of the voting age citizens are members of the minority group and are limited in English proficiency, unless the political subdivision is covered independently. A political subdivision is also covered if more than 10,000 of the voting age citizens are members of a singlelanguage minority group, do not "speak or understand English adequately enough to participate in the electoral process," and the rate of those citizens who have not completed the fifth grade is higher than the national rate of voting age citizens who have not completed the fifth grade.

Finally, if more than five (5) percent of the American Indian or Alaska Native voting age citizens residing within an American Indian Reservations (and offreservation trust lands) are members of a single language minority group, do not "speak or understand English adequately enough to participate in the electoral process," and the rate of those citizens who have not completed the fifth grade is higher than the national rate of voting age citizens who have not completed the fifth grade, any political subdivision, such as a county, which contains all or any part of that Indian reservation, is covered by the minority language assistance provision set forth in Section 203. An American Indian

Reservation is defined as any area that is an American Indian or Alaska Native area identified for purposes of the decennial census. For the 2010 Census, these areas were identified by the federally recognized tribal governments, Bureau of Indian Affairs, and state governments. The Census Bureau worked with American Indian tribes and Alaska Natives to identify statistical areas, such as Oklahoma Tribal Statistical Areas (OTSA), State Designated Tribal Statistical Areas (SDTSA), and Alaska Native Village Statistical Areas (ANVSA).

Pursuant to Section 203, the Census Bureau Director has the responsibility to determine which states and political subdivisions are subject to the minority language assistance provisions of Section 203. The state and political subdivisions obligated to comply with the requirements are listed in the attachment to this Notice.

Section 203 also provides that the "determinations of the Director of the Census under this subsection shall be effective upon publication in the Federal Register and shall not be subject to review in any court.' Therefore, as of this date, those jurisdictions that are listed as covered by Section 203 have legal obligation to provide the minority language assistance prescribed in Section 203 of the Act. In the cases, where a state is covered, those counties or county equivalents not displayed in the attachment are exempt from the obligation. Those jurisdictions subject to Section 203 of the Act previously, but not included on the list below, are no longer obligated to comply with Section 203. The previous determinations under Section 4(f)(4) of the Voting Rights Act remain in effect and are unaffected by this determination. (See Title 28, Code of Federal Regulations, part 55, Appendix (2010)).

Dated: October 5, 2011.

#### Robert M. Groves,

Director, Bureau of the Census.

## COVERED AREAS FOR VOTING RIGHTS BILINGUAL ELECTION MATERIALS—2010

guage minority group
not Specified.
е

State and political subdivision	Language minority group
Northwest Arctic Borough	Alaska Native (Inupiat).
Wade Hampton Census Area	Alaska Native (Inupiat).
Wade Hampton Census Area	Alaska Native (Yup'ik).
Yukon-Koyukuk Census Area	Alaska Native (Alaskan Athabascan).
rizona:	, ,
Apache County	American Indian (Navajo).
Apache County	American Indian (Pueblo).
Coconino County	American Indian (Hopi).
Coconino County	American Indian (Navajo).
Coconino County	American Indian (Yuma).
Maricopa County	American Indian (Tohono O'Odham).
Maricopa County	Hispanic.
Mohave County	American Indian (Yuma).
Navajo County	American Indian (Hopi).
Navajo County	American Indian (Navajo).
Pima County	American Indian (Tohono O'Odham).
Pima County	American Indian (Yaqui).
Pima County	Hispanic.
Pinal County	American Indian (Tohono O'Odham).
Santa Cruz County	Hispanic.
Yavapai County	American Indian (Yuma).
Yuma County	American Indian (Yuma).
Yuma County	Hispanic.
alifornia:	
State Coverage	Hispanic.
Alameda County	Asian (Chinese).
Alameda County	Asian (Filipino).
Alameda County	Hispanic.
Alameda County	Asian (Vietnamese).
Colusa County	Hispanic.
Contra Costa County	Hispanic.
Fresno County	Hispanic.
Glenn County	Hispanic.
Imperial County	Hispanic.
Kern County	Hispanic.
	l '
Kings County	Hispanic.
Los Angeles County	Asian (Asian Indian).
Los Angeles County	Asian (Chinese).
Los Angeles County	Asian (Filipino).
Los Angeles County	Hispanic.
Los Angeles County	Asian (Japanese).
Los Angeles County	Asian (Korean).
Los Angeles County	Asian (Other Asian—Not specified).
Los Angeles County	Asian (Vietnamese).
Madera County	Hispanic.
Merced County	Hispanic.
Monterey County	Hispanic.
Napa County	Hispanic.
Orange County	Asian (Chinese).
Orange County	Hispanic.
Orange County	Asian (Korean).
Orange County	Asian (Vietnamese).
Riverside County	Hispanic.
Sacramento County	Asian (Chinese).
Sacramento County	Hispanic.
San Benito County	Hispanic.
San Bernardino County	Hispanic.
San Diego County	Asian (Chinese).
San Diego County	Asian (Filipino).
San Diego County	Hispanic.
San Diego County	Asian (Vietnamese).
San Francisco County	Asian (Chinese).
San Francisco County	Hispanic.
San Joaquin County	Hispanic.
	·
San Mateo County	Asian (Chinese).
San Mateo County	Hispanic.
Santa Barbara County	Hispanic.
Santa Clara County	Asian (Chinese).
Santa Clara County	Asian (Filipino).
Santa Clara County	Hispanic.
Santa Clara County	Asian (Vietnamese).
DELUC MAIA MULLIN	Asian (vietnamese).

Federal Register/Vol. 76, No. 198/Thursday, October 13, 2011/Notices

State and political subdivision	Language minority group
Tulare County	Hispanic.
Ventura County	Hispanic.
olorado:	•
Costilla County	Hispanic.
Denver County	Hispanic.
Rio Grande County	Hispanic.
onnecticut:	•
Bridgeport town	Hispanic.
East Hartford town	Hispanic.
Hartford town	Hispanic.
Meriden town	Hispanic.
New Britain town	Hispanic.
New Haven town	Hispanic.
New London town	Hispanic.
Waterbury town	Hispanic.
Windham town	Hispanic.
lorida:	тпоратно.
State Coverage	Hispanic.
Broward County	Hispanic.
Hardee County	Hispanic.
Hendry County	Hispanic.
	landing the control of the control o
Hillsborough County	Hispanic.
Lee County	Hispanic.
Miami-Dade County	Hispanic.
Orange County	Hispanic.
Osceola County	Hispanic.
Palm Beach County	Hispanic.
Polk County	Hispanic.
lawaii:	A : (Q):
Honolulu County	Asian (Chinese).
Honolulu County	Asian (Filipino).
Honolulu County	Asian (Japanese).
Maui County	Asian (Filipino).
linois:	
Cook County	Asian (Asian Indian).
Cook County	Asian (Chinese).
Cook County	Hispanic.
DuPage County	Hispanic.
Kane County	Hispanic.
Lake County	Hispanic.
Cansas:	
Finney County	Hispanic.
Ford County	Hispanic.
Grant County	Hispanic.
Seward County	Hispanic.
Maryland:	•
Montgomery County	Hispanic.
lassachusetts:	'
Boston city	Hispanic.
Chelsea city	Hispanic.
Fitchburg city	Hispanic.
Holyoke city	Hispanic.
Lawrence city	Hispanic.
Lowell city	Hispanic.
	Hispanic.
Lynn city	•
Quincy city	Asian (Chinese).
Revere city	Hispanic.
Southbridge town	Hispanic.
Springfield city	Hispanic.
Worcester city	Hispanic.
lichigan:	l
Clyde township 1	Hispanic.
Hamtramck city	Asian (Bangladeshi).
Hartford city	Hispanic.
flississippi:	
Attala County	American Indian (Choctaw).
Jackson County	American Indian (Choctaw).
Jones County	American Indian (Choctaw).
conce county	American Indian (Choctaw).
Kemper County	
Kemper County	
Kemper County	American Indian (Choctaw). American Indian (Choctaw). American Indian (Choctaw).

State and political subdivision	Language minority group
Noxubee County	American Indian (Choctaw).
Scott County	American Indian (Choctaw).
Winston County	American Indian (Choctaw).
Nebraska:	
Colfax County	Hispanic.
Dakota County	Hispanic.
Dawson County	Hispanic.
Nevada:	A : (E'' : )
Clark County	Asian (Filipino).
Clark County	Hispanic.
New Jersey:	Llianania
Bergen County	Hispanic.
Bergen County  Camden County	Asian (Korean). Hispanic.
Cumberland County	Hispanic.
Essex County	Hispanic.
Hudson County	Hispanic.
Middlesex County	Hispanic.
Passaic County	Hispanic.
Union County	Hispanic.
New Mexico:	
Bernalillo County	American Indian (Navajo).
Bernalillo County	American Indian (Pueblo).
Bernalillo County	Hispanic.
Catron County	American Indian (Pueblo).
Chaves County	Hispanic.
Cibola County	American Indian (Navajo).
Cibola County	American Indian (Pueblo).
Doña Ana County	Hispanic.
Eddy County	Hispanic.
Grant County	Hispanic.
Guadalupe County	Hispanic.
Harding County	Hispanic.
Hidalgo County	Hispanic.
Lea County	Hispanic.
Luna County	Hispanic.
McKinley County	American Indian (Navajo).
McKinley County	American Indian (Pueblo). Hispanic.
Mora County Rio Arriba County	American Indian (Navajo).
Rio Arriba County	Hispanic.
San Juan County	American Indian (Navajo).
San Miguel County	Hispanic.
Sandoval County	American Indian (Navajo).
Sandoval County	American Indian (Pueblo).
Santa Fe County	American Indian (Pueblo).
Socorro County	American Indian (Navajo).
Socorro County	American Indian (Pueblo).
Socorro County	Hispanic.
Taos County	Hispanic.
Valencia County	American Indian (Pueblo).
Valencia County	Hispanic.
New York:	
Bronx County	Hispanic.
Kings County	Asian (Chinese).
Kings County	Hispanic.
Nassau County	Hispanic.
New York County	Asian (Chinese).
New York County	Hispanic.
Queens County	Asian (Asian Indian).
Queens County	Asian (Chinese).
Queens County	Hispanic.
Queens County	Asian (Korean).
Suffolk County Westchester County	Hispanic.
Pennsylvania:	ι ποραιτιο.
Berks County	Hispanic.
Lehigh County	Hispanic.
Philadelphia County	Hispanic.
Rhode Island:	1 nopulio
Central Falls city	Hispanic.

Federal Register/Vol. 76, No. 198/Thursday, October 13, 2011/Notices

State and political subdivision	Language minority group
Providence city	Hispanic.
as:	l
State Coverage	Hispanic.
Andrews County	Hispanic.
Atascosa County	Hispanic.
Bailey County	Hispanic.
Bee County	Hispanic.
Bexar County	Hispanic.
Brewster County	Hispanic.
Brooks County	Hispanic.
Caldwell County	Hispanic.
Calhoun County	Hispanic.
Cameron County	Hispanic.
Castro County	Hispanic.
Cochran County	Hispanic.
Concho County	Hispanic.
Crane County	Hispanic.
Crockett County	Hispanic.
Crosby County	Hispanic.
Culberson County	Hispanic.
Dallas County	Hispanic.
Dawson County	Hispanic.
	Hispanic.
Deaf Smith County	l '
Dimmit County	Hispanic.
Duval County	Hispanic.
Ector County	Hispanic.
Edwards County	Hispanic.
El Paso County	American Indian (Pueblo).
El Paso County	Hispanic.
Floyd County	Hispanic.
Fort Bend County	Hispanic.
Frio County	Hispanic.
Gaines County	Hispanic.
Garza County	Hispanic.
Glasscock County	Hispanic.
Gonzales County	Hispanic.
Guadalupe County	Hispanic.
Hale County	Hispanic.
Hansford County	Hispanic.
Harris County	Asian (Chinese).
Harris County	Hispanic.
	Asian (Vietnamese).
Harris County	,
Hidalgo County	Hispanic.
Hockley County	Hispanic.
Hudspeth County	Hispanic.
Jim Hogg County	Hispanic.
Jim Wells County	Hispanic.
Karnes County	Hispanic.
Kenedy County	Hispanic.
Kinney County	Hispanic.
Kleberg County	Hispanic.
La Salle County	Hispanic.
Lamb County	Hispanic.
Live Oak County	Hispanic.
Lynn County	Hispanic.
Martin County	Hispanic.
Maverick County	American Indian (Kickapoo).
Maverick County	Hispanic.
	Hispanic.
Medina County	·
Midland County	Hispanic.
Mitchell County	Hispanic.
Moore County	Hispanic.
Nolan County	Hispanic.
Nueces County	Hispanic.
Ochiltree County	Hispanic.
Parmer County	Hispanic.
Pecos County	Hispanic.
Presidio County	Hispanic.
Reagan County	Hispanic.
Reeves County	Hispanic.
Refugio County	•
	Hispanic.

## COVERED AREAS FOR VOTING RIGHTS BILINGUAL ELECTION MATERIALS—2010—Continued

State and political subdivision	Language minority group
San Patricio County	Hispanic.
San Saba County	Hispanic.
Schleicher County	Hispanic.
Scurry County	Hispanic.
Sherman County	Hispanic.
Starr County	Hispanic.
Sutton County	Hispanic.
Swisher County	Hispanic.
Tarrant County	Hispanic.
Terrell County	Hispanic.
Terry County	Hispanic.
Titus County	Hispanic.
Travis County	Hispanic.
Upton County	Hispanic.
Uvalde County	Hispanic.
Val Verde County	Hispanic.
Ward County	Hispanic.
Webb County	Hispanic.
Willacy County	Hispanic.
Wilson County	Hispanic.
Winkler County	Hispanic.
Yoakum County	Hispanic.
Zapata County	Hispanic.
Zavala County	Hispanic.
Utah:	
Salt Lake County	Hispanic.
San Juan County	American Indian (Navajo).
Virginia:	
Fairfax County	Hispanic.
Washington:	
Adams County	Hispanic.
Franklin County	Hispanic.
King County	Asian (Chinese).
King County	Asian (Vietnamese).
Yakima County	Hispanic.
Wisconsin:	
Milwaukee City	Hispanic.

<sup>&</sup>lt;sup>1</sup> Clyde Township in Allegan County.

[FR Doc. 2011–26293 Filed 10–12–11; 8:45 am] BILLING CODE 3510–07–P

#### **DEPARTMENT OF COMMERCE**

#### **Bureau of Industry and Security**

#### Sensors and Instrumentation Technical Advisory Committee; Notice of Partially Closed Meeting

The Sensors and Instrumentation
Technical Advisory Committee (SITAC)
will meet on October 25, 2011, 9:30
a.m., in the Herbert C. Hoover Building,
Room 3884, 14th Street between
Constitution and Pennsylvania
Avenues, NW., Washington, DC. The
Committee advises the Office of the
Assistant Secretary for Export
Administration on technical questions
that affect the level of export controls
applicable to sensors and
instrumentation equipment and
technology.

#### Agenda

Public Session

- 1. Welcome and Introductions.
- 2. Remarks from the Bureau of Industry and Security Management.
  - 3. Industry Presentations.
  - 4. New Business.

#### Closed Session

5. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first served basis. To join the conference, submit inquiries to Ms. Yvette Springer at

Yvette.Springer@bis.doc.gov no later than October 18, 2011.

A limited number of seats will be available during the public session of the meeting. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit

written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that the materials be forwarded before the meeting to Ms. Springer.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on September 27, 2011 pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § 10(d), that the portion of this meeting dealing with pre-decisional changes to the Commerce Control List and U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information contact Yvette Springer on (202) 482–2813.

Exhibit 3

Jesse C. Trentadue (#4961)

Carl F. Huefner (#1566)

Britton R. Butterfield (#13158)

SUITTER AXLAND, PLLC

8 East Broadway, Suite 200

Salt Lake City, UT 84111

Telephone: (801) 532-7300

Facsimile: (801) 532-7355 E-Mail: jesse32@sautah.com

E-Mail: <a href="mailto:chuefner@sautah.com">chuefner@sautah.com</a>
E-Mail: <a href="mailto:bbutterfield@sautah.com">bbutterfield@sautah.com</a>

Attorneys for Defendants

# UNITED STATES DISTRICT COURT DISTRICT OF UTAH, CENTRAL DIVISION

NAVAJO NATION HUMAN RIGHTS COMMISSION; PEGGY PHILLIPS; MARK MARYBOY; WILFRED JONES; TERRY WHITEHAT; BETTY BILLIE FARLEY; WILLIE SKOW; and MABEL SKOW,

Plaintiffs,

٧.

SAN JUAN COUNTY; JOHN DAVID NIELSON, in his official capacity as San Juan County Clerk; and PHIL LYMAN, BRUCE ADAMS, and REBECCA BENALLY, in their official capacities as San Juan County Commissioners,

Defendants.

DEFENDANTS' RESPONSES TO
PLAINTIFFS' FIRST SET OF
INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO
DEFENDANTS

Case No. 2:16-cv-00154 JNP

Judge Jill N. Parrish

Magistrate Judge Brooke C. Wells

SAN JUAN COUNTY; JOHN DAVID NIELSON; PHIL LYMAN, BRUCE ADAMS; and REBECCA BENALLY

Counterclaim Plaintiffs,

٧.

NAVAJO NATION HUMAN RIGHTS COMMISSION; PEGGY PHILLIPS; MARK MARYBOY; WILFRED JONES; TERRY WHITEHAT; BETTY BILLIE FARLEY; WILLIE SKOW; and MABEL SKOW,

Counterclaim Defendants.

COMES NOW Defendants and Counterclaim Plaintiffs San Juan County, Utah;

John David Nielson; Phil Lyman; Bruce Adams; and Rebecca Benally (collectively "San Juan County"), by and through counsel, and answers and objects to *Plaintiffs' First Set of Interrogatories* and *Plaintiffs; First Set of Requests for Production to Defendants* 

(collectively "Requests") as follows:

#### GENERAL OBJECTIONS

- 1. San Juan County objects to the Requests to the extent that they purport to impose obligations and require procedures beyond those set forth in the *Federal Rules of Civil Procedure* and *Local Rules*.
- 2. San Juan County objects to the *Requests* to the extent that they purport to require the production of information protected by the attorney-client privilege, the work-

product doctrine, the common interest privilege, or any other applicable privilege, statute, law or rule. San Juan hereby claim such privileges and protections to the extent implicated by the *Requests* and excludes privileged information from their responses.

Any disclosure of such protected or privileged information is inadvertent and not intended to waive those privileges or protections.

- 3. San Juan County objects to the *Requests* to the extent that they purport to require the disclosure of information not presently within the possession, custody or control of San Juan.
- 4. San Juan County objects to the *Requests* insofar as they seek information subject to a confidentiality obligation owed to a non-party to this case.
- 5. In making these objections, San Juan County does not in any way waive or intend to waive, but rather preserves and intends to preserve:
  - a. all rights to object on any ground to the competency, relevancy,
     materiality and admissibility of any information or document that
     may be provided in response to the *Requests* or the subject matter
     thereof; and
  - b. all rights to object on any ground to the use of any information or document that may be provided in response to the *Requests* or the subject matter thereof, in any subsequent proceeding, including the

- trial of this or any other action; and
- c. all rights to object on any ground to any request for further responses to this or any other discovery request; and
- d. all rights to object on any ground to any definition contained in Plaintiffs' *Discovery Requests* or any instruction followed in compliance therewith.
- 6. San Juan County reserves the right to make any use of, or to introduce at any hearing and at trial, documents or information responsive to the *Requests* but discovered subsequent to the date of San Juan County's responses and initial production, including, but not limited to, any information obtained during discovery.
- 7. San Juan County's discovery and investigation of the facts relevant to this case are ongoing and San Juan County's responses to the *Requests* are made to the best of its present knowledge, information and belief. San Juan County reserves the right to amend and/or supplement its responses, which are subject to such additional or different information as discovery or further investigation may disclose.
- 8. Unless otherwise stated herein, San Juan County objects to the *Requests* as overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence and as seeking information irrelevant to the claims and defenses in this action.

9. All of the General Objections set forth herein are incorporated into each of the individual responses set forth below and have the same force and effect as if fully set forth therein.

#### RESPONSES TO INTERROGATORIES

Interrogatory No. 1: Identify each person who has knowledge or information concerning any of the claims, events, facts, or circumstances alleged or referred to in the Complaint and Amended Counterclaim, whether or not you intent to call them as witnesses.

RESPONSE NO. 1: San Juan County identifies that following parties that have knowledge or information: John David Nielson, Phil Lyman, Bruce Adams, Rebecca Benally, Leonard Gorman, Mark Maryboy, Peggy Phillips, Wilfred Jones, Terry Whitehat, Betty Billie Farley, Willie Scow, and Mabel Scow. In addition, San Juan County identifies the following San Juan County officials who also have knowledge or information, each of whom may be contacted through Defendants' Counsel: James Francom, Edward Tapaha, Norman Johnson. Furthermore, San Juan County identifies the following individuals in the Navajo Nation Election Administration (for which the address is P.O. Box 3449, Window Rock, Arizona 86515 and the toll-free phone number is (800) 775-8683), who may have information and knowledge: Edison Wauneka and Kimmeth Yazzie. San Juan County does not have personal addresses or telephone

numbers for the Navajo Nation Election Administration personnel. San Juan County reserves the right to supplement its response to this interrogatory.

Interrogatory No. 2: State the dates of any elections occurring in San Juan County in 2016 and 2017 and the dates, hours and location of any voting sites which will be open for those elections.

RESPONSE NO. 2: The 2016 primary election (which was County-wide in San Juan County) was held Tuesday, June 28, 2016, and polls were open from 7:00 a.m. to 8:00 p.m. The 2016 general election will be held Tuesday, November 8, 2016, and polls will be open. In-person voting locations were open at the following locations for the 2016 primary election and will be open for the 2016 general election:

San Juan County Clerk's Office 117 South Main Monticello, Utah 84535

Navajo Mountain Chapter House Navajo Route 16, mile marker 36.15 Navajo Mountain, Utah

Oljato Senior Center County Road 422, 15 miles north of Gouldings' Store Oljato, Utah

Montezuma Creek Fire Station 15 South Texaco Road Montezuma Creek, Utah 84543

There will be no County or State Elections for 2017, although there may be

municipal elections. Whether any municipalities may request the County's assistance in administering any such elections have not yet been determined.

San Juan County reserves the right to supplement the response to this interrogatory.

Interrogatory No. 3: State the name and address of each Navajo-speaking staff member who has been hired and trained to provide Navajo-speaking voters with assistance at the polling locations or via other means, including telephone or other means from 2012 through all elections in 2016.

#### RESPONSE NO. 3:

#### For 2016:

Marietta Stevens 5 Miles NE of Navajo Mountain Chapter House Tonalea, AZ 86044

Edythe Tahe 1 1/4 Miles South of Oljato Chapter House Oljato, UT 84536

Edward Tapaha Southwest of Red Mesa Chapter House, 5th House (red) Red Mesa, UT 84534

Ella Greyeyes 4 Miles South of Navajo Mtn Chapter Hse, Hse #1 Tonalea, AZ 86044 Fermina Keith 280 S 200 E Monticello, UT 84535 435.587.2894

### For 2014:

Edward Tapaha Southwest of Red Mesa Chapter House, 5th House (red) Red Mesa, UT 84534

#### For 2012:

Ruth Y. Johnson Elkhorn Camp House #32 Montezuma Creek, UT 84534 435.444.0362

Alyssia Palmer 2 Miles North of Red Mesa Chapter Hse Red Mesa, UT 84534 435.419.0415

Mary L Dee Harvey Southwest of Red Mesa Chapter Hse, 2nd Hse Red Mesa, UT 84534 970.560.3722

Ray Nakai 3 Miles East of Red Mesa Chapter Hse Red Mesa, Ut 84534 505.612.9089 Yvonne Johnson Elkhorn Camp House #32 Montezuma Creek, UT 84534 435.444.0362

Carol Tallis 469 County Rd, Moonlight Ridge Monument Valley, UT 84536 928.429.0192

Soshina Harvey Southwest of Red Mesa Chapter Hse, 2nd Hse Red Mesa, UT 84534 970.570.3182

Francis Stevens
2.5 Miles East of Navajo
Mountain School
Tonalea, Az 86044
928.606.1259

Belinda Clark 8 Miles East of Aneth Chapter Hse Aneth, UT 84510 928.797.1839

Daisey Todacheene 6 Miles Northwest of Aneth Chapter Hse Aneth, UT 84510 435.651.3183

Laura Tallis
14 Miles North of Oljato Chapter House
Oljato, Ut 84536
No Phone number available

Ramonica Tree (address not ascertained)
Last known phone number: 435.459.1695

Molly Sloan (address not ascertained)
Last known phone number: 928.672.2447

Brenda Chee 8 Miles East of Aneth Chapter Hse Aneth, UT 84510 435.444.9984

Marietta Stevens
5 Miles East of Navajo Mtn
Chapter Hse
Tonalea, Az 86044
928.614.4666

Edward Tapaha Southwest of Red Mesa Chapter Hse, 5<sup>th</sup> House (red) Red Mesa, UT 84534

Interrogatory No. 4: State the dates and hours that each Navajo-speaking staff member of the County Clerk's office has been and will be made available to serve Navajo-speaking voters from 2014 through all elections in 2016.

**RESPONSE NO. 4:** Except for holidays and days off, Mr. Edward Tapaha is available at the County Clerk's office, and by telephone, each weekday from 8:00 a.m. to 5:00 p.m.

Interrogatory No. 5: Provide the content, dates, and frequency of training sessions offered to County staff concerning Navajo language assistance to voters for all elections in 2016.

**RESPONSE NO. 5:** No training for interpreters was conducted in 2016 because all interpreters used in 2016 had been previously trained.

Interrogatory No. 6: For the ballot audio provided on San Juan County's election website, state the date on which the audio information was posted online, identify the person(s) who provided the audio translation in Navajo, describe the process through which the translation was made and approved, and provide an English translation of the audio clips.

RESPONSE NO. 6: The audio ballot provided on San Juan County's website was posted online on June 1, 2016. The audio translation was made and provided by Mr. Edward Tahapa and was not subject to review or approval because the County trusts his ability to handle such responsibilities. The translation was solely of the English ballot, a copy of which is produced herewith. With respect to Plaintiffs' request that Defendants provide a translation of that audio ballot, the burden of doing that translation is substantially the same for Plaintiffs as for Defendants. Consequently, Defendants elect under Rule 33(d) to provide a copy of the audio ballot for Plaintiffs to translate.

Interrogatory No. 7: Any public statements, written or otherwise, made concerning the primary, general and other elections in 2014-2016. Please include the content, dates, times, and frequency of the public announcements that were made or will be made concerning the primary, general and other elections in 2014-2016 on Navajolanguage radio stations and in other local news sources concerning the voting system and the provision of Navajo-language voting assistance.

RESPONSE NO. 7: San Juan County objects to this Interrogatory as not being a in the form of an interrogatory. Nevertheless, San Juan County notes that it previously provided the following documents that may be responsive as part of San Juan County's Initial Disclosures. See SAN000001-SAN000032. In addition, San Juan County produces herewith copies of documents relating to the Public Notices for the 2016 elections published in the Navajo Times and the San Juan Record. See SAN000306-SAN000307 produced herewith.

In the course of preparing its responses to these Interrogatories, San Juan County discovered that, due to a communication problem within the Clerk's office, the request to run the Navajo-language public service announcement relating to the 2016 primary election, which had been recorded by Mr. Edward Tapaha, was never sent to the radio stations. The Clerk's office, however, is planning to place such Navajo-language advertisements prior to the general election.

Interrogatory No. 8: State the dates and frequency of visits that were made or will be made concerning the primary, general and other elections in 2014-2016 by the County's staff to chapter meetings to explain the voting changes, and for each visit, state the full names and last know home or business address of each County staff member who participated.

RESPONSE NO. 8: Mr. Edward Tapaha, whose business address is 117 South Main, Monticello, Utah 84543, is the only County staff member who participated in visits to chapter meetings to explain the vote-by-mail system and procedures in 2014 and 2016. The dates on which Mr. Tapaha visited the chapter meetings are as follows:

#### <u>In 2014</u>:

1/26/14	Red Mesa
1/28/14	Aneth / Mexican Water
2/11/14	Navajo Utah Commission
3/4/14	Aneth / Mexican Water / Red Mesa
3/9/14	Oljato
3/17/14	Navajo Mountain
4/6/14	Mexican Water / Oljato
5/5/14	Mexican Hat
5/18/14	Oljato
6/12/14	Aneth
8/10/14	Mexican Hat / Oljato
8/18/14	Red Mesa
9/15/14	Red Mesa
9/25/14	Aneth

#### So far in 2016:

2/21/16 Oljato

3/6/16 Mexican Water

4/14/16 Chapter Meeting not specified

Mr. Tapaha will also visit chapter meetings in connection with the 2016 general election, but the dates and frequency of such visits have not yet been determined.

San Juan County reserves the right to supplement its response to this interrogatory.

Interrogatory No. 9: Identify all persons you consulted with or that provided you with assistance or information regarding your Answers to these Interrogatories.

RESPONSE NO. 9: The staff of the San Juan County Clerk's Office, including John David Nielson, James Francom and Edward Tapaha.

# Interrogatory No. 10: During the 2014 elections:

- a. State the number of ballots mailed by San Juan County that were returned as undeliverable;
- b. State the number of undeliverable ballots mailed to San Juan County voters on the Navajo reservation;
- c. State the number of ballots mailed by San Juan County that were not returned and counted;
- d. State the number of ballots mailed by San Juan County to Navajo voters that were not returned and counted.

RESPONSE NO. 10: San Juan County objects to this request as unduly burdensome in light of the fact that San Juan County does not track or tabulate such

information. Furthermore, with respect to paragraph d., the County does not track which voters are Navajo and therefore the County's records would not reflect which ballots were mailed to or returned by Navajo voters. Since the burden of obtaining the information requested in this interrogatory is substantially the same for both Plaintiffs and Defendants, Defendants elect under Rule 33(d) to produce to Plaintiffs all election ballots and related, non-privileged documents. Furthermore, these allot will be made available to Plaintiffs, upon reasonable advance notice and during normal business hours for inspection and copying if desired, so that Plaintiffs may determine this information for themselves.

# **Interrogatory No. 11:** For the period from 2000 to 2014:

- a. State the number of voters who were purged or removed form the voter rolls by San Juan County or otherwise made inactive;
- b. State the number of Navajo voters who were purged or removed from the voter rolls by San Juan County or otherwise made inactive.

RESPONSE NO. 11: San Juan County objects to this request as overly broad and unduly burdensome in light of the fact that San Juan County does not track or tabulate such information. The person most likely to have any such information would be former San Juan county Clerk-Auditor Norman Johnson, who was deposed by the Navajo Nation in *Navajo Nation v. San Juan County*, District of Utah Case 2:12CV00039, and testified that no voters were purged during this time period. Furthermore, San Juan

County knows of no way that such information could be gathered at this point.

Furthermore, with respect to paragraph b., the County does not track which voters are

Navajo and therefore the County's records would not reflect which voters listed on the

County's voter rolls are Navajo voters.

# THERE IS NO INTERROGATORY NO. 12

Interrogatory No. 13: As alleged in your Sixth Affirmative Defense, state the name, address, and title of the person you claim Plaintiffs failed to join as an "indispensable party."

RESPONSE NO. 13: The United States of America since the Attorney General is the only person who can assert claims under Section 203 of the Voting Rights Act, and the Navajo Nation.

**Interrogatory No. 14:** State the County's policy for dealing with mail-in ballots which are returned as undeliverable.

RESPONSE NO. 14: The County's policy for dealing with mail-in ballots is set forth on document SAN000311 produced herewith.

**Interrogatory No. 15:** State the County's policy for ensuring it has accurate mailing addresses for all registered voters in San Juan County.

15

RESPONSE NO. 15: The County relies on addresses provided by voters as part of the registration process which are then added to the database maintained by the Utah State Elections Office using its VISTA program.

**Interrogatory No. 16:** For all elections conducted by mail between 2014 and 2016:

- a. State the number of ballots mailed by San Juan County that were received but not counted because they were incomplete or spoiled and state the number of such ballots that were from voters with addresses located on the Navajo Reservation;
- b. State the number of ballots mailed by San Juan County that were received but not counted because they were not clearly postmarked before Election Day or marked by the post office as having been received before Election Day and state the number of such ballots that were from voters with addresses located on the Navajo Reservation;
- c. State the number of ballots mailed by San Juan County that were received but not counted because they were not received in the office of the election officer before noon on the day of the official canvas

and state the number of such ballots that were from voters with addresses located on the Navajo Reservation.

RESPONSE NO. 16: San Juan County objects to this request as unduly burdensome in light of the fact that San Juan County does not track or tabulate such information. Nevertheless, subject to and without waiving such objection, pursuant to Rule 33(d) San Juan County agrees to produce all election ballots and related, non-privileged documents, which will be made available to Plaintiffs, upon reasonable advance notice and during normal business hours for inspection and copying if desired, so that Plaintiffs may determine this information for themselves. San Juan County is doing so because the burden of obtaining this information from these records is substantially the same for Plaintiffs as for Defendants.

Interrogatory No. 17: For the period after the 2014 elections, please state:

- a. Identify all discussions in which County staff and commissioners discussed whether to reopen polling places after the 2014 election;
- b. The date on which a final decision to reopen those polling places
  was made and how and when such decision was communicated to
  the County Commission;

c. The date on which a final decision to reopen those polling places
was made and how and when such decision was communicated to
the general public.

RESPONSE NO. 17: San Juan County began considering possible changes after receiving comments and concern from County voters about the mail-in-voting system. On October 29, 2015, the day that the Department of Justice met with County officials in Monticello, as part of a visit to San Juan County to look into the County's vote-by-mail system, San Juan County began to consider making changes to improve the vote-by-mail system to add in-person polling places on the Navajo Reservation. By late January or early February of 2016 the County had made the decision to open three additional polling locations within the Navajo Reservation. The final decision as to the locations of the three additional polling places was made on or before February 16, 2016. Thereafter, the County Clerk sent a press release to the local newspapers about the 2016 elections, including the County's decision to open additional in-person polling locations.

San Juan County reserves the right to supplement its response to this interrogatory.

Interrogatory No. 18: State how the County Clerk's office processes any mail it receives.

RESPONSE NO. 18: San Juan County objects to this interrogatory as overly broad and irrelevant. Neverless, without waiving such objections, the County states that

mail received by the County Clerk's office is opened by a staff member and, as appropriate to the particular circumstances is directed to the persons who would, in the course of their responsibilities, handle the subject matter of the each piece of mail.

Because San Juan County is a very small County, the staff is not numerous nor are functions delimited by a definitive protocol for mail handling.

# RESPONSES TO REQUESTS FOR DOCUMENTS

Request for Production No. 1: All documents and communications concerning your claim that "[f] or the 2016 and future election cycles, in-person voting or polls will be available at four locations within San Juan County: Monticello, Montezuma Creek, Oljato and Navajo Mountain, Utah" including, but not limited to:

- 1. Decision-making process to open three additional polling locations for the 2016 election cycle;
- Dates and hours that each polling place will be open for the primary, general, and other elections in 2016 and beyond; and
- 3. Number of staff at each location.

RESPONSE NO. 1: See generally Initial Disclosures. See specifically SAN000103-SAN000105. After a diligent and thorough review, San Juan County knows of no other documents responsive documents.

San Juan County reserves the right to supplement its response to this Request.

Request for Production No. 2: All documents and communications concerning your plans to provide Navajo language assistance for the primary, general and other elections in 2016 and beyond, including but not limited to:

- 1. Number of Navajo-speaking interpreters at each polling location;
- Dates and hours that Navajo-speaking interpreters will be made available at each polling location;
- 3. Recruiting, hiring, and training of Navajo-speaking interpreters; and
- 4. The days and hours language assistance is available at the County Clerk's office.

**RESPONSE NO. 2:** San Juan County knows of no responsive documents.

Request for Production No. 3: All documents and communications concerning your plans to educate the Navajo population about the proposed changes to voting procedure, including but not limited to:

- 1. Content, dates, and frequency of any announcements made or will be made on Navajo-language radio stations;
- 2. Content, dates, and frequency of any written communications or press releases made or will be made in local publications; and
- Dates and frequency of visits made or will be made by the County
   Clerk's staff to chapter meetings to explain the voting changes.

REQUEST NO. 3: See Initial Disclosures SAN000001-SAN000023, SAN000027. See generally Exhibit 8 to Edward Tapaha's June 24, 2015 deposition. The Republican or Democratic ballot is transcribed and available on San Juan County's website: <a href="http://www.sanjuancounty.org/elections-voting.htm">http://www.sanjuancounty.org/elections-voting.htm</a>. Audio files of the Navajo Language public service announcements for 2014 and 2016 are produced herewith.

Request for Production No. 4: All documents and communications concerning your claim to "provid[e] Navajo language ballots in audio form at the four polling places within San Juan County and on the County's website" including but not limited to:

- 1. Procedure for providing language ballots in audio form at the four polling locations;
- 2. Procedure for translating the ballot; and
- 3. Content of the Navajo audio information on the County's website.

RESPONSE NO. 4: See SAN000027-SAN000029. See also San Juan County's website: http://www.sanjuancounty.org/elections\_voting.htm to listen to audio of ballots.

Request for Production No. 5: All document and communications concerning your claim that prior to both the 2014 primary and general elections "San Juan County diligently sought to provide advance notice of the vote-by-mail system to Navajo-speaking residents, including the extensive use of paid Navajo-language announcements on two radio stations (KNDN and KTTN) . . . as well as sending the County's Navajo

Liaison and Election Coordinator, Edward Tapaha, to meetings of all Utah Navajo Nation Chapters, to explain the vote-by-mail process, and providing a telephone number with the ballots themselves that could be called for Navajo-language assistance."

RESPONSE NO. 5: See Response to Request for Production No. 3. See also SAN000027, SAN000033 and SAN000046-SAN00052.

Request for Production No. 6: All documents and communications concerning your claim that "[t]he Navajo Election Administration approved of the County's vote-by-mail procedures for the 2014 election."

**RESPONSE NO. 6:** San Juan County knows of no responsive documents.

Request for Production No. 7: All documents and communications concerning your claim that "San Juan County's decision to change the mail-in voting system to better accommodate voters who would prefer to vote in-person was made before the County was served with this lawsuit."

**RESPONSE NO. 7:** San Juan County knows of no responsive documents.

Request for Production No. 8: All documents and communications concerning your claim that "Counterclaim Defendants' actions were motivated by racial animus directed at Counterclaim Plaintiff Benally and other members of the Navajo Nation who, for any number of reasons, are not able to vote in-person at a polling location."

RESPONSE NO. 8: See SAN000215, SAN000237-SAN000304.

Request for Production No. 9: All documents and communications concerning your claim that "the Underlying Action was commenced and is being continued for the improper, unlawful and ulterior purpose of allowing Counterclaim Defendant Maryboy, Kenneth Maryboy and Manual Morgan to reassume control of the election of a County Commissioner from District Three by suppressing the vote" for Counterclaim Plaintiff Benally.

RESPONSE NO. 9: San Juan County knows of no responsive documents.

Request for Production No. 10: All documents and communications concerning

- a. The number of ballots mailed by San Juan County that were returned as undeliverable in all elections form 2000-2016.
- b. State the number of undeliverable ballots mailed by San Juan County that were mailed to Navajo voters in all elections in 2014-2016;
- c. State the number of ballots mailed by San Juan County that were not returned and counted in all elections in 2014-2016;
- d. State the number of ballots mailed by San Juan County to Navajo voters that were not returned and counted in all elections in 2014-2016.

RESPONSE NO. 10: San Juan County knows of no responsive documents to this request. See also San Juan County's Objection and Response to Interrogatory No. 10 above.

Request for Production No. 11: All documents and communications concerning:

- a. The number of voters who were purged or removed from the voter rolls by San Juan County from 2000-2016;
- b. The number of Navajo voters who were purged or removed form the voter rolls by San Juan County from 2000-2016.

RESPONSE NO. 11: San Juan County knows of no responsive documents to this request. See also San Juan County's Objection and Response to Interrogatory No. 11 above.

Request for Production No. 12: All documents and communications concerning the County's policy and practice for dealing with mail-in ballots which are returned as undeliverable.

RESPONSE NO. 12: A copy of the County's "Procedure for Handling Mailed Ballot Problem" is produced herewith. San Juan County is aware of no other responsive documents or communications.

Request for Production No. 13: All documents and communications concerning the County's policy and practice for ensuring it has accurate mailing addresses for all registered voters in San Juan County.

**RESPONSE NO. 13:** See SAN000033-SAN000040. San Juan County knows of no other responsive documents.

Request for Production No. 14: All documents and communications concerning:

- a. The number of ballots mailed by San Juan County that were received but not counted because they were incomplete or spoiled and state the number of such ballots that were from voters with addresses located on the Navajo Reservation;
- b. The number of ballots mailed by San Juan County that were received but not counted because they were not clearly post marked before Election Day or marked by the post office as having been received before Election Day and state the number of such ballots that were from voters with addresses located on the Navajo Reservation;
- c. The number of ballots mailed by San Juan County that were received but not counted because they were not received in the office of the election officer before noon on the day of the official canvas and

state the number of such ballots that were from voters with addresses located on the Navajo Reservation.

RESPONSE NO. 14: San Juan County knows of no responsive documents. See also San Juan County's Objection and Response to Interrogatory No. 16, above.

Request for Production No. 15: All documents and communications concerning:

- a. Discussions concerning whether the County would reopen polling places after the 2014 election;
- b. The final decision to reopen those polling places and how such decision was communicated to the County Commission;
- c. How the decision to reopen those polling places was communicated to the general public.

RESPONSE NO. 15: San Juan County knows of no responsive documents.

DATED this 17th day of August, 2016.

SUITTER AXLAND, PLLC

Jesse C. Trentadue
Jesse C. Trentadue
Carl F. Huefner
Britton R. Butterfield
Attorneys for Defendants

#### **VERIFICATION**

Pursuant to 28 U.S.C. §1746 I, JOHN DAVID NIELSON, hereby declare under the penalty of perjury that the information stated above is true and correct to the best of my knowledge.

EXECUTED in Monticello, Utah this 17th day of August, 2016.

/s/ John David Nielson
John David Nielson

John David Welson

**CERTIFICATION** 

I, Jesse C. Trentadue, hereby certify that I have the signed original of this document which is available for inspection during normal business hours by the Court or a party to this action.

Dated this 17th day August, 2016.

/s/ jesse c. trentadue

TA7000A7788AVRESPONSES PLAINTIFFS FIRST ROGS RFP.wpd

#### CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of August, 2016, I served a copy of **DEFENDANTS' RESPONSES TO PLAINTIFFS' FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION TO DEFENDANTS** via United States Mail, postage prepaid, to the following parties below:

John Mejia (Bar No. 13965)
Leah Farrell (Bar No. 13696)
American Civil Liberties Union of Utah
355 North 300 West
Salt Lake City, UT 84103
T: (801) 521-9862
jmejia@acluutah.org
Ifarrell@acluutah.org
Attorneys for Plaintiffs

Ezra D. Rosenberg\*
M. Eileen O'Connor\*
Arusha Gordon\*
Lawyers' Committee for Civil Rights
Under Law
1401 New York Ave., Suite 400
Washington, D.C. 20005
T: (202) 662-8600
erosenberg@lawyerscommittee.org
eoconnor@lawyerscommittee.org
agordon@lawyerscommittee.org
Attorneys for Plaintiffs

M. Laughlin McDonald\*
American Civil Liberties Union Foundation
2700 International Tower
229 Peachtree Street, NE
Atlanta, GA 30303
T: (404) 500-1235
Imcdonald@aclu.org
Attorneys for Plaintiffs

Maya Kane\*
10 Town Square, #52
Durango, Colorado 81301
T: (970) 946-5419
mayakanelaw@gmail.com
Attorneys for Plaintiffs

William A. Rudnick\*
DLA Piper LLP (US)
203 North LaSalle Street, Suite 1900
Chicago, IL 60601
T: (312) 368-4000
william.rudnick@dlapiper.com
Attorneys for Plaintiffs

Raymond M. Williams\*
DLA Piper LLP (US)
One Liberty Place
1650 Market Street, Suite 4900
Philadelphia, PA 19103
T: (215) 656-3300
raymond.williams@dlapiper.com
Attorneys for Plaintiffs

/s/ jesse c. trentadue

Exhibit 4

# Case 2:16-cv-00154-JNP Document 112-1 Filed 09/19/16 Page 66 of 75 official results

ELECTION BALLOTS - 2010 GENERAL San Juan County

																						SUB		
		Bluff	M. Creek	Aneth	C. Point	Ucolo	LaSal	S. Valley	N. Mont.	S. Mont.		SW Blnd		Oljato	Nav. Mt.	Halls C.	Red M.	SE Blnd	NE Blnd	C. Mont	White M.	TOTAL	CANVASS	TOTAL
Pricinct		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20			
Active Voters		493	633	556	20	155	189	260	202	513	587	361	259	708	282	25	290	529	449	442	63	7016		7016
Voting		235	299	242	19	113	114	170	146	300	393	183	122	440	170	4	166	357	312	296	21	4102	70	4172
Percentage		47.67%	47.24%	43.53%	95.00%	72.90%	60.32%	65.38%	72.28%	58.48%	66.95%	50.69%	47.10%	62.15%	60.28%	16.00%	57.24%	67.49%	69.49%	66.97%	33.33%	58.47%		59.46%
U.S. Senator		X	х	Х	Х	Х	Х	Х	Х	Х	X	х	Х	Х	Х	X	х	Х	Х	Х	X	J		
Mike Lee	REP	57	89	65	13	85	70	106	112	237	320	150	37	94	34	4	49	290	280	238	6	2336	39	2375
Sam F. Granato	DEM	160	182	158	1	18	38	45	24	44	53	17	76	331	125	0	109	44	19	36	13	1493	26	1519
Scott N. Bradley	CON	8	10	12	5	9	6	12	6	9	10	10	6	13	6	0	6	11	5	13	1	158	5	163
U.S. House District #2		Х	Х	х	Х	х	Х	Х	Х	Х	Х	х	х	х	х	Х	Х	х	Х	х	Х	1		
Morgan Philpot	REP	32	38	29	9	64	48	76	83	183	269	123	19	69	28	3	25	238	228	183	0	1747	28	1775
Jim Matheson	DEM	192	243	199	3	42	61	75	57	103	108	47	99	356	135	0	135	102	74	104	21	2156	39	2195
Randall Hinton	CON	3	243 4	4	7	0	4	/5 6	1	4	3	47	1	7	2	0	2	4	5	6	0	67	39 1	68
Dave Glissmever	UNAF	1	1	3	0	2	4	0	0	2	2	3	0	3	0	0	1	2	2	1	0	24	0	
			3	3	0		0	7	3	4	5	0	0	3	U	0	3	_		0	0		-	24
Wayne L. Hill	UNAF	0	3	3	0	5	0	/	3	4	5	0	0	3	1	0	3	/	1	0	0	45	1	46
Governor and Lieutenant Governor of Utah		х	Y	v	X	v	¥	Y	Y	х	v	x	¥	×	x	Y	Y	v	Y	Y	¥	1		
Gary R. Herbert / Greg Bell	REP	55	71	67	15	71	71	103	109	245	313	159	35	93	37	4	39	289	275	256	3	2310	39	2349
Peter Carroon / Sheryl Allen	DEM	167	205	159	3	22	36	50	33	36	59	15	75	327	127	0	116	47	24	29	17	1547	29	1576
	LIB	7	205 8	4	0	10	4	4	0	5	59	2	/5 4	8	4	0	2	3	24	29	0	74	0	
W. Andrew McCullough / Aric M. Cramer, Sr.	UNAF	1	3	7	0	10	2	9	2	10	8	- 4	5	9	0	0	3	10	7	8	0	99	0	74 99
Farley M. Anderson / Steve Maxfield	UNAF	1	3	,		10	2	9	2	10	8	4	5	9	U	U	3	10	,	8	U	99	U	99
Utah House District #69		Х	Х	х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	1		
Christine F. Watkins	DEM	196	243	199	11	64	78	87	95	202	250	120	99	370	136	2	134	232	186	188	20	2912	47	2959
County Commission Dist #2											Х	Х						Х	Х		Х			
Phil Lyman	REP										370	168						333	304		16	1191	14	1205
County Commission Dist #3		Х	Х	Х									Х				Х				1	1		
Kenneth Maryboy	DEM	187	249	185									103				133		•			857	12	869
County Assessor		Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х			
Howard L. Randall	DEM	203	243	202	14	63	87	96	112	213	312	144	103	369	135	4	132	278	246	213	21	3190	47	3237
																						-		
County Attorney		Х	Х	Х	X	X	Х	Х	X	Х	X	Х	Х	Х	Х	X	X	Х	Х	Х	X			
Craig C. Halls	REP	102	134	115	19	78	75	120	114	231	321	160	53	139	53	4	71	292	264	246	10	2601	48	2649
County Clerk / Auditor		Х	X	X	X	Y	X	X	X	X	X	x	X	X	х	Y	х	Y	Х	x	Х	1		
Norman L. Johnson	REP	113	130	113	19	97	86	124	125	263	357	171	58	143	54	4	72	322	287	268	15	2821	53	2874
County Recorder		Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х			
Louise C. Jones	REP	110	131	112	19	93	81	122	124	266	343	168	61	141	51	4	70	321	278	267	14	2776	52	2828
																						_		
County Sheriff		Х	Х	Х	Х	X	Х	Х	Х	Х	Х	X	Х	X	Х	X	X	X	Х	X	X			
Mike Lacy	REP	79	81	84	17	69	54	86	59	119	207	86	51	113	45	2	55	169	105	117	14	1612	30	1642
Rick Eldredge	DEM	150	210	153	2	43	58	81	85	179	184	93	70	323	121	2	108	183	206	176	7	2434	36	2470
To the second se																						,		
County Surveyor		Х	X	X	Х	X	Х	Х	Х	Х	X	х	Х	Х	Х	X	Х	X	Х	Х	Х	J		
David A. Bronson	REP	113	129	109	19	99	87	125	126	266	343	168	62	140	53	4	67	313	284	270	15	2792	52	2844
County Treasurer		Х	x	x	х	¥	х	X	Х	х	X	х	x	x	х	х	х	Y	х	х	х	1		
Glenis Black Pearson	REP	105	129	110	19	95	87	123	123	264	348	171	61	134	53	4	68	313	282	276	15	2780	52	2832
							٠.	.20	.20	20-	0.10		٥.		00	-	00	0.0	202	2.0		2.00	-	2002

#### NON-PARTISAN

Pricinct		Bluff	M. Creek	Aneth	C. Point	Ucolo	LaSal	S. Valley	N. Mont.	S. Mont.	NW Blnd	SW Blnd	Mex Hat	Oljato 13	Nav. Mt. 14	Halls C.	Red M.	SE Bind	NE Bind	C. Mont	White M.	TOTAL		
State Board of Edu, #14		×	T X	¥	T X	¥	¥	Ý	¥	¥	Y Y	¥	Y Y	Y Y	Y Y	Y Y	Y Y	Y Y	T X	X	Y X	7		
Dixie Lee Allen		 97	111	85	7	41	51	56	68	166	227	108	57	72	98	0	49	193	164	153	5	1808	25	1833
Johny Thayne		34	58	27	3	23	28	43	25	49	45	29	19	33	57	0	27	68	37	47	5	657	17	674
San Juan School Dist. #4			Х	Х													Х							
Elsie Dee Howard H. Todachinnie			125 121	87 68													64 43					276 232	5 2	281 234
San Juan School Dist. #5													Х	Х	Х							]		
Write -in Candidate													20	36	1							57	3	60
Judicial Retention		Х	X	Х	Х	Х	Х	Х	Х	Х	Х	Х	X	Х	Х	Х	Х	Х	Х	Х	Х	]		
Utah Court of Appeals William A. Thorne, Jr YES		87	102	77	9	68	72	85	97	212	243	133	53	87	132	0	44	234	201	195	6	2137	37	2174
NO NO		48	45	30	2	16	11	34	15	36	56	16	31	40	26	0	31	50	36	24	3	550	12	562
District Court Judge - 7th Distric	ct																							
George M. Harmond, Jr. YES NO		81 54	100 44	60 40	11 2	70 14	68 13	86 30	96 12	216 26	229 56	129 16	52 27	77 44	119 37	0	39 33	230 49	195 34	197 21	4	2059 556	34 11	2093 567
Douglas B. Thomas YES		84	91	59	11	68	67	86	97	213	237	130	47	82	128	0	41	228	194	197	5	2065	32	2097
NO		48	48	40	2	16	15	32	12	27	58	18	33	38	28	0	29	49	35	22	3	553	14	567
San Juan County Justice Judge		Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х			
Lyon W. Hazleton, II	YES NO	95 50	106 43	57 44	13 2	83 15	74 13	90 32	121 12	257 23	270 53	138 16	56 32	87 37	124 31	4	42 30	252 53	223 29	251 25	14 2	2357 542	36 13	2393 555
	140	30	40	44	-	13	13	32	12	23	35	10	32	37	31	Ů	30	35	20	23				333
Blanding City Justice Judge		X	X	Х	X	X	X	Х	X	Х	X	Х	X	Х	Х	Х	Х	X	X	X	Х			
James J. Harris	YES	99	103	65	10	68	73	89	106	238	309	143	60	92	125	1	49	289	262	225	8	2414	45	2459
	NO	45	45	39	2	16	12	30	11	21	34	17	29	34	31	0	24	35	20	16	6	467	8	475
Monticello City Justice Judge		Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х	Х			
Lyon W. Hazleton, II	YES	87	106	65	13	86	73	92	122	251	270	139	61	79	119	4	44	250	216	242	11	2330	36	2366
	NO	52	42	39	2	14	14	30	10	26	53	17	28	43	38	0	30	53	30	27	2	550	15	565
Proposed Constitutional Amend	dments	Х	Х	X	X	Х	Х	Х	Х	Х	Х	Х	X	Х	Х	Х	Х	Х	X	Х	Х			
Constitutional Ammendment A	FOR	101	85	59	11	45	45	71	79	158	196	102	35	68	81	2	43	184	164	155	5	1689	31	1720
	AGAINST	55	59	41	4	50	55	69	41	114	130	58	42	60	76	0	32	121	96	94	8	1205	29	1234
Constitutional Ammendment B	FOR	121	91	73	14	84	89	131	112	244	281	137	53	89	102	4	52	259	243	220	11	2410	46	2456
	AGAINST	36	53	28	1	19	13	16	19	35	62	24	25	50	60	0	24	52	30	42	1	590	13	603
Constitutional Ammendment C	FOR	102	91	56	9	42	63	70	76	167	192	100	39	58	102	2	37	199	173	150	10	1738	32	1770
	AGAINST	58	54	45	6	54	39	78	49	105	145	56	40	83	60	2	39	112	93	99	4	1221	29	1250
Constitutional Ammendment D	FOR	119	100	75	9	55	61	90	84	192	221	97	47	79	115	2	49	195	164	162	8	1924	36	1960

# ELECTION BALLOTS - 2014 GENERAL San Juan County, Utah

#### Official Election Totals

																							11/17/2014	
		Bluff	M. Creek	Aneth	C. Point	Ucolo	LaSal	S. Valley	N. Mont	S. Mont	NW Bland		Mex Hat	Oljato	Nav. Mt.	Halls C.	Red Mesa	SE Bland	NE Bland	C. Mont	White M.	TOTAL	CANVASS	TOTAL
	A ahii ya Mahawa	1 424	2 585	3 494	4	5	6 179	7	8	9 437	10 522	11 303	12 240	13 672	14 245	15 18	16 229	17 471	18 425	19 331	20 58	6342		6342
•	Active Voters Voting	273	394	311	22 16	141 100	108	280 163	266 201	322	363	233	107	241	121	10	117	328	318	244	23	3993	57	4050
	Percentage	64.4%	67.4%	63.0%	72.7%	70.9%	60.3%	58.2%	75.6%	73.7%	69.5%	76.9%	44.6%	35.9%	49.4%	55.6%	51.1%	69.6%	74.8%	73.7%	39.7%	63.0%	3,	63.9%
US Congressional District #3	rereentage	0-4,-470	071470	03.070	72.770	70.570	00.370	30.270	73.070	73.770	03.370	70.570	14.070	33.370	43.470	33.070	311270	05.070	7-11070	,3,,,,				
Ben J. Mates		15	5	6	0	1	0	2	0	1	3	4	3	0	2	0	2	2	6	1	0	53	5	58
Brian Wonnacott		168	268	204	1	7	28	40	23	39	23	22	59	182	88	1	96	32	14	14	8	1317	25	1342
Zack Strong		14	13	12	3	7	7	6	5	6	7	6	11	6	4	1	2	9	7	4	0	130	0	130
Jason Chaffetz		50	68	59	12	75	68	107	154	262	310	191	25	47	24	8	10	265	285	205	8	2233	20	2253
Stephen P. Tryon		9	5	4	0	1	0	2	3	3	6	4	1	2	2	0	2	3	0	6	0	53	5	58
Write-In		0	0	0	0	0	0	0	0	0	2	1	1	0	0	0	0	0	0	0	0	4	0	4
Utah Attorney General																								
W. Andrew McCullough		11	10	2	0	5	6	8	4	9	9	11	3	4	2	0	1	7	12	3	0	107	2	109
Gregory G. Hansen		9	16	8	2	1	2	8	7	11	14	8	6	9	3	1	2	8	10	4	0	129	4	133
Charles A. Stormont		127	181	148	0	6	17	31	20	32	23	16	37	108	47	1	68	26	13	15	3	919	21	940
Sean D. Reyes		42	46	53	2	63	60	70	132	231	258	166	26	24	13	7	10	236	232	180	10	1861	14	1875
Leslie D. Curtis		18	16	18	2	7	6	4	5	8	16	10	6	2	3	0	2	11	10	8	2	154	4	158
Utah State House District # 73																								
Michael Noel		101	177	139	16	70	78	115	152	258	298	198	60	109	45	6	47	269	264	199	7	2608	32	2640
County Commission District #2								· · · · · · · · · · · · · · · · · · ·																
Phil Lyman		0	0	0	16	75	0	0	0	0	321	208	0	0	0	0	0	295	295	0	14	1224	6	1230
	L											<u> </u>				1								
County Commission District #3					T		1										Т						_	
Manuel Morgan		51	76	92	0	00	0	0	0	0	0	0	32	0	0	0	16	0	0	0	0	267	3	270
Rebecca M. Benally		127	220	142	0	0	0	0	0	0	0	0	55	0	0	0	70	0	0	0	0	614	10	624
Write-In		86	91	70	0	0	0	0	0	0	0	0	19	0	0	0	31	0	0	0	0	297	6	303
County Assessor																								
Shelby D.Seely		110	193	146	13	59	61	107	101	186	251	151	45	72	36	7	28	206	233	136	15	2156	31	2187
Howard L. Randall		158	190	152	3	37	42	51	97	136	107	80	60	164	84	3	86	122	84	103	8	1767	25	1792
County Attorney																								
Craig C. Halls		69	94	96	15	48	42	89	111	143	128	109	27	61	26	3	12	148	182	129	9	1541	21	1562
Kendall G. Laws		198	284	200	1	48	62	71	90	175	232	122	80	174	94	7	104	177	134	112	14	2379	35	2414
County Cloudy / Acadia as			L		1							L.,			1.									
County Clerk / Auditor John David Nielson		69	70	70	1 1 1	76	T 60	111	150	265	200	102	34	57	24	T -	17	276	281	207	7	2309	23	2332
			72	73	15	76	60	111	159	265	309	193	31 72		96	7	95	47	34	35	9	1540	32	1572
Dawn R. Shaw		180	294	218	1	21	40	46	39	54	45	36	/2	176	96		1 32	L 47	34	33	7	1340	34	13/2
Court December																								
County Recorder		74	00	72	14		F.	105	433	103	202	1777	20		36	5	1.0	234	247	155	5	1981	24	2005
David O. Carpenter		74	80	72	14	52	56	105	133	182	262	177	30	58	26		14	234	24/	133	) 3	1301	44	2003

# Case 2:16-cv-00154-JNP Document 112-1 Filed 09/19/16 Page 68 of 75

Petina (Tina) Corrao		186	284	217	2	44	46	54	65	136	89	54	74	175	94	4	100	84	62	88	11	1869	31	1900
County Sheriff																								
Rick Eldredge		148	209	158	16	80	83	123	169	292	321	217	61	121	49	6	58	306	299	227	18	2961	39	3000
					I	1				4	l	<u> </u>			1	1	1	1	.1					
County Surveyor																								
Kent "Sam" Cantrell		137	198	159	16	76	83	120	164	283	316	212	64	118	49	5	55	288	280	219	8	2850	36	2886
County Traccurar																								
County Treasurer Glenis B. Pearson		128	204	162	16	83	83	119	173	280	319	212	66	122	48	6	54	295	289	229	11	2899	36	2935
		120	1 201		1	1 00	1 00	1	1 2/2	1 200							1 3.	1 200		.1	J			
NON-PARTISIN ELECTIO	NS																							
Utah State School Board District #14																								
Mike Miles		62	93	87	1	18	24	35	32	74	96	76	32	69	38	2	23	85	100	48	2	997	18	1015
Mark A. Huntsman		105	185	135	8	38	61	71	92	187	166	103	54	90	33	2	68	177	128	128	10	1841	23	1864
San Juan School District #4																								
Elsie Dee		0	215	159	0	0	0	0	0	0	0	0	0	0	0	0	62	0	0	0	0	436	3	439
Write-In		0	146	127	0	0	0	0	0	0	0	0	0	0	0	0	41	0	0	0	0	314	4	318
			_l	1	L		1 -	_	1	1 -			1	1				1			<u> </u>			
San Juan School District #5																								
Jean Holiday Nimrod		0	0	0	0	0	0	0	0	0	0	0	59	100	29	0	0	0	0	0	0	188	14	202
Nelson Yellowman		0	0	0	0	0	0	0	0	0	0	0	46	126	86	0	0	0	0	0	0	258	10	268
Count County Cob ad Daniel																								
Grand County School Board Britnie Ellis				1		T	T	94	T	T	l	I	Γ		1	1	<u> </u>			T		94	3	97
DITUTE CHIS			<u></u>	1				34	1		<u> </u>			1	<u> </u>	L	<u> </u>		<u> </u>		L		,	3,
Judicial Retention																								
Christine M. Durham	Yes	127	204	137	8	42	76	88	103	202	222	148	59	133	84	6	54	189	176	153	7	2218	30	2248
	No	57	80	81	1	26	15	28	29	47	63	44	36	58	22	3	27	71	46	26	4	764	8	772
							•		•					1			•							
Thomas R. Lee	Yes	108	188	127	9	50	63	78	102	206	219	157	53	130	84	7	57	184	181	145	4	2152	30	2182
	No	71	90	90	0	18	28	34	29	40	70	32	35	62	21	2	25	72	37	26	7	789	8	797
			т				1			1			33	T			T		1	T			••	24.40
Matthew B. Durrant	Yes	113	175	124	9	50	72	78	101	206	212	152	54	121	80	6	50	182	180	151	4	2120 800	29 6	2149 806
	No	64	102	92	0	16	20	33	28	38	71	38	35	68	25	3	31	71	38	21	6	0	•	800
Gregory K. Orme	Yes	112	170	132	9	47	66	82	97	196	212	146	48	118	81	7	51	181	174	141	5	2075	30	2105
dregory K. Office	No	64	106	84	0	20	25	30	29	45	72	40	39	71	24	2	30	70	40	27	5	823	6	829
			1 200	1 04			1		1	1	,	1		1 <u>′=</u>	1		1 30	1	1					
Michele M. Christiansen	Yes	129	194	129	9	46	66	82	95	203	219	156	58	137	85	4	58	177	181	148	6	2182	31	2213
	No	50	84	89	0	20	24	30	28	40	64	33	29	52	20	4	21	78	37	24	4	731	5	736
Stephen L. Roth	Yes	105	170	128	9	45	65	80	96	202	214	152	51	119	84	5	51	177	178	141	4	2076	31	2107
	No	70	103	86	0	22	26	32	30	40	70	34	34	68	21	3	27	72	39	27	6	810	6	816
	1			r :		1	1		1	1		ī			T	Т	1				T			****
James Z. Davis	Yes	108	173	140	9	49	65	82	97	198	214	151	52	115	78	7	43	178	176	145	6	2086	29	2115
	No	66	97	74	0	18	25	29	29	43	64	35	33	71	27	2	35	71	39	25	4	787	7	794

# Case 2:16-cv-00154-JNP Document 112-1 Filed 09/19/16 Page 69 of 75

ALCOHOL: A COLUMN TO THE COLUM																								
J. Frederic Voros, Jr	Yes	105	166	135	9	47	66	82	91	200	212	148	49	122	81	7	45	173	176	138	5	2057	28	2085
	No	72	106	78	0	21	25	30	33	40	68	39	39	63	24	2	33	76	41	30	5	825	7	832
																		·	,					
Mary L. Manley	Yes	131	200	143	9	44	75	87	105	217	228	160	61	129	82	7	53	188	206	159	7	2291	32	2323
	No	63	77	74	0	27	18	35	42	50	76	39	28	61	20	3	26	87	43	30	6	805	5	810
Control Johanna	V	400	T	T 40-		1		Т	1	1	T	T	т ==	T	T	T	T		1	1	T =			
Scott N. Johansen	Yes	120	176	135	9	46	68	79	102	214	227	157	52	115	83	7	52	186	200	162	7	2197	32	2229
	No	64	96	75	0	22	25	35	34	41	64	34	36	72	21	2	29	72	34	16	6	778	5	783
Lvle R. Anderson	Yes	112	177	131	10	62	63	80	125	230	207	152	54	131	85	7	51	200	213	183	11	2284	33	2317
2710	No	89	99	80	0	26	34	55	51	64	118	64	37	61	20	,	31	102	60	46	7	1046	9	1055
	110		1 33	1 00			1 37		1 31	1 04	110	04	1 3,	01	20		1 31	102	00	1 70		1040	,	1033
<b>Proposed Constitution</b>	al Ammendments																							
Amendment A	YES	87	149	116	3	14	32	29	63	135	99	72	42	106	63	7	52	117	104	92	4	1386	19	1405
	NO	114	141	110	5	66	60	107	93	147	206	138	53	99	46	2	40	168	177	108	8	1888	27	1915
															,									
Amendment B	YES	109	176	121	2	27	46	56	80	152	141	104	47	124	76	9	52	141	145	103	5	1716	24	1740
	NO	94	118	111	6	55	48	82	79	134	165	104	48	80	33	0	40	147	135	98	5	1582	22	1604
	·	·			,	**		,		,		,	·		.,		,							
Amendment C	YES	98	150	109	2	9	30	22	39	105	86	57	38	112	75	0	44	93	75	73	2	1219	22	1241
	NO	107	143	121	6	74	63	119	118	181	222	153	59	88	34	9	48	201	206	128	8	2088	24	2112
			,																					
Stright Party Voting	Libreterian	0	1	0	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0	3	0	3
Inde	pendent American	9	7	6	1	0	3	1	2	5	4	4	3	4	1	0	3	3	2	2	0	60	1	61
	Republican	10	26	37	10	16	17	33	27	32	41	27	10	38	15	0	3	46	42	33	5	468	8	476
	Constitutional	0	3	1	0	0	0	0	0	1	1	1	0	2	0	0	0	0	1	0	2	12	0	12
	Democratic	111	181	121	0	1	12	14	7	9	8	8	40	146	87	1	70	12	3	3	6	840	19	859
						*						·				<del></del>	<del></del>							

Bruce Adams

RESENT Kenneth Maryboy

Phil Lyman

Exhibit 5

4/12/2016

San Juan County Mail - Election Press Release - Invitation to edit



Nielson, John David <jdnielson@sanjuancounty.org>

# **Election Press Release - Invitation to edit**

3 messages

jdnielson@sanjuancounty.org <jdnielson@sanjuancounty.org> To: cbegody@navajotimes.com Wed, Mar 9, 2016 at 1:14 PM

John David Nielson has invited you to edit the following document:

Election Press Release

Open in Docs

This is a courtesy copy of an email for your record only. It's not the same email your collaborators received. Click here to learn more.

Google

Candace Begody <a href="mailto:com/">Candace Begody <a href="mailto:com/">cbegody@navajotimes.com</a>
To: John David Nielson <a href="mailto:jdnielson@sanjuancounty.org">jdnielson@sanjuancounty.org</a>

Wed, Mar 9, 2016 at 1:23 PM

There is an error when opening the document. If at all possible, it would help if it was sent as a pdf or word doc.

Thanks.

On Mar 9, 2016, at 1:14 PM, John David Nielson (via Google Docs) <a href="mailto:shares-noreply@google.com">drive-shares-noreply@google.com</a> wrote:

San Juan County Mail - Election Press Release - Invitation to edit

John David Nielson has invited you to edit the following document:

Election Press Release

Open in Docs

This email grants access to this item. Only forward it to people you trust.

Google Docs: Create and edit documents online.



Nielson, John David <jdnielson@sanjuancounty.org> To: Candace Begody <a href="mailto:cbegody@navajotimes.com">cbegody@navajotimes.com</a>

Wed, Mar 9, 2016 at 1:36 PM

I apologize for the error. Listed below is the content of the proposed press release. Thank you for your time.

Regards,

John David Nielson

In order to clear up any confusion or misunderstandings regarding the 2016 elections for San Juan County School Board and San Juan County Commission vacancies, San Juan County would like to provide the following information to the public regarding election districts and precincts for this election cycle.

All precincts will remain the same as they have been for the 2014 county elections.

The School Board boundaries will change in accordance with the plan that was officially adopted by the San Juan County Commission in January 2016.

The Commission District boundaries will remain the same as they were in 2014.

If you are interested in learning more about what precinct you live in or whether you are eligible to run for one of the seats open this year, please contact the San Juan County Clerk's Office at 435-587-3223.

Additionally, while the county will continue to conduct their elections by mail in ballot, we will also provide election day polling locations, on site voting, and other voter resources at the following locations:

Monticello, Ut Montezuma Creek, Ut Oljato, Ut

### 

4/12/2016

San Juan County Mail - Election Press Release - Invitation to edit

Navajo Mountain, Ut

[Quoted text hidden]

San Juan County Mail - Election Press Release - Invitation to edit



Nielson, John David <jdnielson@sanjuancounty.org>

# **Election Press Release - Invitation to edit**

3 messages

jdnielson@sanjuancounty.org <jdnielson@sanjuancounty.org> To: sjrnews@frontiernet.net

Wed, Mar 9, 2016 at 1:16 PM

John David Nielson has invited you to **edit** the following document:



#### Election Press Release



Please publish in the March 16th edition of the San Juan Record

thank you, John David

Open in Docs

This is a courtesy copy of an email for your record only. It's not the same email your collaborators received. Click here to learn more.



Nielson, John David <jdnielson@sanjuancounty.org> To: San Juan Record <sjrnews@frontiernet.net>

Tue, Apr 12, 2016 at 10:33 AM

#### Good Morning

Last month I sent over a press release request in the form of a google document to be published in the March 16th edition. I didn't see it in the paper on the 16th or after and was curious if you received the previous request or if you had trouble with the google doc.

thanks John David [Quoted text hidden]

Bill Boyle <sirnews@frontiernet.net>

Tue, Apr 12, 2016 at 10:45 AM

To: "Nielson, John David" <jdnielson@sanjuancounty.org>

John David,

I included the information in other articles about the election. For some reason, I can't open this in Google docs. Can you resend as a separate document rather than through Google docs?

### 

4/12/2016

San Juan County Mail - Election Press Release - Invitation to edit

Thanks, Bill

[Quoted text hidden]